

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

ASSOCIATED GENERAL CONTRACTORS
OF AMERICA; ASSOCIATED GENERAL
CONTRACTORS OF TEXAS; LUBBOCK
CHAMBER OF COMMERCE; and
J. LEE MILLIGAN, INC.,

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR and JULIE
SU, in her official capacity as Acting U.S.
Secretary of Labor,

Defendants.

Case No. 5:23-cv-00272-H

JOINT STATUS REPORT AND MOTION TO CONTINUE STAY FOR 60 DAYS

The parties file this joint status report and jointly request that the stay in this matter continue for 60 days, after which the parties should file a joint status report with the Court to propose next steps in the litigation. Good cause supports this request.

1. Plaintiffs filed this lawsuit in November 2023, challenging a Department of Labor rulemaking, *Updating the Davis-Bacon and Related Acts Regulations*, 88 Fed. Reg. 57526 (Aug. 8, 2023) (“Rule”). ECF No. 1.
2. The parties have filed cross-motions for summary judgment, ECF Nos. 66, 73, and the Federal Government’s reply in support of its cross-motion for summary judgment was due on Thursday, February 20, 2025.
3. Upon a prior joint motion to stay (Doc. 77), on February 14, 2025, the Court entered an order stating that the “current briefing schedule is stayed pending further order of the Court, and all existing deadlines in the case are vacated.” (Doc. 78). The Court ordered the parties to submit a joint status report within 90 days to update the Court on “how the parties plan to proceed.” (*Id.*). The parties subsequently filed joint status

reports and moved to continue the stay for 60 days, culminating in the next report being due on December 1, 2025. (Doc. 86, 87, 91, 92, 93, 96).

4. The parties respectfully request that the Court maintain the stay for 60 additional days. The Department of Labor is continuing to actively evaluate each of the specifically challenged provisions in order to determine whether to propose rulemaking and seek comments on whether they should be withdrawn, revised, or retained in some form. Department leadership has continued to receive briefings on these issues and various options for addressing them in and is continuing to actively consider next steps. Consideration was hampered during the recent lapse in appropriations, which occurred during the majority of the last 60-day period. The additional time will allow these efforts to continue and may obviate the need for additional litigation—thereby furthering judicial economy.
5. The parties propose submitting a joint status report at the end of the stay or on February 2, 2026, to propose next steps in the litigation.

WHEREFORE, the parties respectfully request that the Court grant this motion and enter the attached order.

Dated: December 1, 2025

Respectfully submitted,

BRETT SHUMATE
Assistant Attorney General, Civil Division

JACQUELINE COLEMAN SNEAD
Assistant Director, Federal Programs Branch

/s/ Jason Altabet
JASON ALTABET
(MD Bar No. 2211280012)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch

1100 L Street, NW
Washington, DC 20003
(202) 305-0727
Jason.k.altabet2@usdoj.gov

Counsel for Defendants

/s/ Robert R. Roginson

Robert R. Roginson
CA Bar No. 185286
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
400 S. Hope Street, Suite 1200
Los Angeles, California 90071
213.457.5873 Direct
robert.roginson@ogletree.com
Admission Pro Hac Vice Pending

LEAD COUNSEL FOR PLAINTIFFS

Aram A. Gavoor
DC Bar No. 1023440
GAVOOR PLLC
1077 30th Street, NW Suite 502
Washington, DC 2007
202-627-0281
aramgavoor@gavoorpllc.com

ADMISSION PRO HAC VICE

Jeffrey C. Londa
State Bar No. 12512400
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
500 Dallas Street, Suite 3000
Houston, Texas 77002
Office: (713) 655-5750
Fax: (713) 655-0020
jeff.londa@ogletree.com

and

Fernando M. Bustos

State Bar No. 24001819
fbustos@bustoslawfirm.com
Benjamin E. Casey
State Bar No. 24137943
bcasey@bustoslawfirm.com
BUSTOS LAW FIRM, P.C.
P.O. Box 1980
Lubbock, Texas 79408-1980
(806) 780-3976
(806) 780-3800 FAX

LOCAL COUNSEL FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(a), the undersigned conferred with each other regarding this status report and motion. They jointly make this request.

/s/ Jason Altabet

JASON ALTABET

/s/ Robert R. Roginson

ROBERT R. ROGINSON